

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI**

**M.A.No.4 of 2024**

**in**

**O.A.No.74 of 2017**

**IN THE MATTER OF**

Tribunal on its own motion in  
Re: Non compliance of order passed by  
NGT dt. 21.02.2020 arising out of  
Civil Appeal No.3891 of 2020 vide order  
dt. 07.02.2024

AND

The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Department of Environment and Forest  
and others

...Respondents (s)

**MEMO FILED ON BEHALF OF THE 4<sup>TH</sup> RESPONDENT**

1. It is submitted that by the order dated 13.05.2024, this Hon'ble Tribunal granted two weeks time to the 4<sup>th</sup> Respondent to deposit a sum of Rs.8.00 crores with the Central Pollution Control Board as directed in O.A.No.74 of 2017 failing which the said amount would be collected with interest at 12% per annum from the date of the original order.

2. It is respectfully submitted that the order dated 21.01.2020 passed by this Hon'ble Tribunal directing payment of Rs.8.00 crores by way of interim compensation was challenged by this Respondent before the Hon'ble Supreme Court of India in Civil Appeal No.3891 of 2020. During the pendency of the Civil Appeal, the State Environmental Impact Assessment Authority determined the compensation to the tune of Rs.6.80 crores and by the communication dated 12.01.2024, the said authority directed this Respondent to issue a Bank Guarantee favouring the Tamil Nadu Pollution Control Board. For the said sum.

3. In the meantime, by the order dated 07.02.2024, the Hon'ble Supreme Court of India dismissed the Civil Appeal No.3891 of 2020. It is submitted that in terms of the communication dated 12.01.2024, this Respondent issued Bank Guarantee favouring the Tamil Nadu Pollution Control Board for the sum of Rs.6.80 crores on 15.03.2024. The communication of the State Environmental Impact Assessment Authority dated 12.01.2024 has been challenged by this Respondent before this Hon'ble Tribunal in Appeal No.39 of 2024.

4. It is submitted that pursuant to the dismissal of Civil Appeal No.3891 of 2020, this Hon'ble Tribunal took up the miscellaneous application on its own motion for non compliance of the order dated 21.01.2020 passed in O.A.No.74 of 2017. It is submitted that on 13.05.2024 when the miscellaneous application was listed for hearing, it was brought to the notice of this Hon'ble Court that a sum of

Rs.6.80 crores was deposited on 15.03.2024 with SEIAA in terms of the communication dated 12.01.2024. This Hon'ble Tribunal while observing that the direction issued on 21.01.2020 has not been complied with, granted 2 weeks time to this Respondent to deposit the sum of Rs.8.00 crores with CPCB. This Hon'ble Tribunal further observed that if the said sum is not deposited within the stipulated time, the said amount will be collected with interest at 12% per annum from the date of the original order and directed the listing of the application to 27.05.2024.

5. It is submitted that on 17.05.2024, the 4<sup>th</sup> Respondent addressed a letter to the Member Secretary, SEIAA requesting to return the Bank Guarantee to enable it to mobilise the funds and remit the sum of Rs.8.00 crores to the Central Pollution Control Board. It is submitted that when the miscellaneous application was listed for hearing on 27.05.2024, this Hon'ble Tribunal was pleased to grant extension of time for a period of one month to comply with the directions issued on 27.05.2024 and directed the listing of the miscellaneous application on 19.07.2024.

6. It is submitted that since the letter dated 17.05.2024 addressed to the Member Secretary, SEIAA did not evoke any response, again on 28.05.2024 this respondent addressed another letter requesting to return the Bank Guarantee. It is submitted that the request made by this Respondent was placed in the 725<sup>th</sup> meeting of SEIAA held on 29.05.2024 and it was decided to return the Bank Guarantee for the

sum of Rs.6.80 crores issued by this Respondent favouring Tamil Nadu Pollution Control Board. Pursuant thereto, by the letter dated 11.06.2024, the Member Secretary, SEIAA requested the Tamil Nadu Pollution Control Board to return the Bank Guarantee submitted by this Respondent to enable it to submit the Bank Guarantee as directed by this Hon'ble Tribunal vide its order dated 13.05.2024.

7. It is submitted that pursuant thereto, the Tamil Nadu Pollution Control Board returned the Bank Guarantee to this Respondent. This Respondent mobilised the balance amount of Rs.1.20 crores and on 25.06.2024 remitted a sum of Rs.8.00 crores to the Central Pollution Control Board through online. By the letter dated 26.05.2024, the said fact was communicated to the Central Pollution Control Board by this Respondent.

8. It is therefore prayed that this Hon'ble Tribunal may be pleased to take the Memo on record and pass appropriate orders in the circumstances of the case and thus render justice.

Dated at Chennai this the 16<sup>th</sup> day of July 2024



Counsel for 4<sup>th</sup> Respondent

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4<sup>TH</sup> RESPONDENT**

**M/S.RITA CHANDRASEKAR**

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